

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, July 6, 2011 at 2:00 p.m.

**PRESENT:**

Sean Walter,	Supervisor
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

**ABSENT:**

John Dunleavy,	Councilman
----------------	------------

(The Pledge of Allegiance was recited).

Supervisor Walter: "Pastor Baxter, would you like us standing, seated?"

Pastor Baxter: "Standing. Greetings to everyone, leaders, friends and fellow citizens of Riverhead.

I just want to just preface this prayer by saying I'm certainly glad for the opportunity once again to represent the Riverhead clergy council to share a prayerful reflective moment with the town board and citizens from our various faith (inaudible) and perspectives. We're a year or so into this and I think different clergy and church and synagogue leaders are doing this. We're very glad for that.

I believe we're united in our belief in a God who calls us all to live and work together for the creation of a safe, just and peaceful society and we certainly thank those of you who are in community leadership roles for your dedication to the well-being of

all people in this community and region.

So let us pray.

Gracious and loving God, creator of this amazing universe and giver of all life including the rich but fragile network of life on this planet.

Thank you that you have given us human creatures the ability to organize ourselves into communities for the mutual security and benefit of one another.

Thank you for community leaders, supervisor and town board members who are willing to spend their time and energy wrestling with community issues and situations that don't always have easy solutions.

May there be a reassuring sense of your spirit of grace and power as they meet today to deliberate over the business before them.

Thank you for the citizens here who are willing to come to town board meetings to bring their concerns and share in these discussions.

Give us all the capacity to listen to one another, to take to heart the needs of all of our townspeople, men, women and children, especially those who continue to struggle in these challenging economic times.

Show us how to live in harmony with the beautiful natural surroundings of the river, the bay, the sound, the ocean, the forest, the farmlands, the town and the villages of Riverhead and with neighboring towns and region- in our region.

We see it all as a gift from you Lord.

Guide us all in our use of our resources, in the renewal of our downtown and the education of our children and the health and safety of our people.

Bless each member of this leadership team and our whole community with vision, with wisdom, with courage and compassion as we seek together to serve the people and to protect the natural

resources of Riverhead and the east end of Long Island.

We give you all the praise and the glory for the good work that you empower us to do, loving God. And might we all say hear our prayers, oh Lord.

Amen."

Supervisor Walter: "Pastor Baxter, thank you very much. Pastor Baxter is from Old Steeple Church in Aquebogue and we really appreciate you taking your time out and thank you, you are the president of the clergy council if I'm not mistaken."

Pastor Baxter: "I am. I'm trying to pass that along, but yes."

Supervisor Walter: "You have to wait until somebody is not there at the meeting and nominate that person."

Pastor Baxter: "Thank you for that advice."

Supervisor Walter: "But they do a great job and they coordinate the invocation. So thank you."

Pastor Baxter: "Rabbi (inaudible)."

Supervisor Walter: "Actually, that's right. Rabbi (inaudible) does a fantastic job."

Pastor Baxter: "Thank you very much."

Supervisor Walter: "Thank you very much. All right. Yes, okay, let's- we've got a couple announcements.

We're going to bring- actually, we have Koko here, but do we have Dr. Vatash back there? I don't have my glasses on. Oh, there you are.

Why don't Dr. Vatash and Dr. Rothman- is Dr. Rothman here as well? Well, we're going to bring you both us with Koko. So why don't you bring Koko in and we're going to do all this in one- Koko.

So what we do is at every board meeting that's in the

afternoon, we try to bring one of our animals in to adopt. This is Koko and I know you told me American Staffordshire Terrier mix with Boxer. And that's a fine looking dog.

So I'm thinking there's somebody in the audience here. Look at that dog, that's a beautiful dog. I think there's somebody in the audience here— look he sat right down— she sat right down. Very friendly.

So we're doing our best to try to get Koko adopted, so if anybody is interested contact the Riverhead animal shelter. Jim, what's that phone number?"

Councilman Wooten: "369-6189."

Supervisor Walter: "369-6189. And Dr. Rothman is not here so I guess we'll wait a minute because we've got a couple other things to do.

We'll go back to the dais and we'll be right back to you, Dr. Vatash.

Okay, so what I'm going to say about Koko is Koko is a good dog. Koko's been in the animal shelter for over a year and that doesn't make sense because that seems like a very good dog to me. So if anybody is hearing the sound of my voice that wants to adopt a dog, that's a good looking— I mean that's a friendly dog. That's amazing.

So two more announcements. The first is there's a Riverhead resident, Alfred Gross Klos, Jr. (phonetic), son of Noreen Gross Klos who was shot in a firefight overseas and he's back in the states and I'm reading this— I read it before. He's back in the states.

He had a bullet— they had to perform surgery to remove a bullet that entered through his lower back, hit his spine, went through his colon and lodged in his left hip. They operated on him and— to repair his wounds. According to the e-mail he's obviously been very lucky and there's a good chance according to the e-mail that he's going to make a full recovery.

This happened in Helmand Providence region of Afghanistan and so our prayers go out to the Gross-Klos family that he make a speedy

recovery.

And then I spoke to John-- Councilman John Dunleavy-- as many of you know, Councilman Dunleavy had a minor heart attack I guess about two weeks ago, maybe a little bit longer than two weeks ago and he is doing well. He's at home. He's-- if he were here, he'd be working. Had a couple stents put in. He's expected I think to go through some heart-- I guess it's heart rehabilitation or something like that and we expect him back at work and to make a full recovery, but he's in our prayers as well.

So now we're going to go down and see Dr. Rothman and Dr. Vatash. Come on up, guys.

So, Dr. Vatash and Dr. Rothman are from East End-- is it Veterinary Care. I was going to say East End Medical Care. East End Veterinary Care. And they're right on Route 58, on the north side of Route 58, right behind the Fidelity National Title building and they are doing a fantastic job.

I mean, I said this before, I have an animal that had to have a leg amputated and they took care of it and the animal is just amazing. It's a cat. It's amazing. They do an amazing job.

And not too long ago we had some bad press, mostly due in certain instances, certain wildlife that's got distemper and things like that and have to be put down. And there's not any good way to do this but sometimes it has to be done.

And the most humane way is to bring it to a veterinarian clinic and they have agreed for us to take the animals that can be transported there to put them down humanely and they've also donated \$2,500 in medical service to our shelter dogs.

So the town board and I would like to honor you and, Jim, you're the liaison, so we'd like to reward you in the only way that we really can and that is through the offering of certificates of appreciation and I know Jim is our animal liaison."

Councilman Wooten: "I certainly appreciate-- I'm not going to read these only for two reasons. One, they're pretty staple and, two, I don't have my glasses. So, but we certainly appreciate the services you provide to Riverhead.

The Riverhead shelter has always tried to be a great municipal shelter. We've got a lot of caring people up there that work but sometimes with budget constraints, it's tough. We need people to come and help us.

And your professionalism and courtesy and your ability to come and help us out really means a lot to us as a town and also as a community shelter. So we appreciate that."

Supervisor Walter: "Thank you very much gentlemen. All right. Take care, gentlemen, thank you for coming out today.

I'm at a loss because Councilman Dunleavy always moves the minutes of the town board meeting. So, Jim, can-

Councilman Wooten: "I certainly can. I'd like to move the minutes for the June 14<sup>th</sup> town board meeting be approved. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Okay."

Councilman Wooten: "I just want to say (inaudible). This past weekend on Sunday we had the fireworks down along the riverfront and if you had a chance to come down, it was probably one of the best events- last year was great, this year was phenomenal. It started- the weather held off, it was perfect, we had three bands play, we had the fireworks, we had concessions. It was an absolute- we had about 4,000 people there this week- this weekend.

And I think we were the only game in town on the east end because Westhampton pooped out on us. They were afraid of the weather. But it was a great time. So if you had a chance to come down- make sure you get there next year. And Riverhead BID threw that on, we'd like to thank (inaudible) for his efforts there also."

Supervisor Walter: "Robert James Salon, if you're not getting your hair cut there, I don't know where you're going. Does such a

good job."

Councilman Wooten: "I do not go to Robert James Salon."

Supervisor Walter: "I can tell. Why would you? All right,  
Diane, Applications."

#### **APPLICATIONS:**

Parade/Assembly Permit	Long Island Antique Power Association - July 16-17 at Hallockville, Jamesport
Parade/Assembly Permit	Herod Point Civic Assoc. - July 9 at Herod Point Rd.
Special event	Riverhead Fire Dept. - 25 <sup>th</sup> annual motorized drill- July 16
Special event	Apple Honda tent sales - July 27 - Sept. 14
Special event	Martha Clara Vineyards tent - July 22 thru Sept. 23
Special event	Martha Clara Vineyards Oktoberfest - Sept. 10 & 11
Special event	Peconic Bay Medical Center - carnival with fireworks - Aug. 18 thru 21 at Route 25A, Wading River
Special event	Riverhead Foundation for Marine Research & Preservation - 5K run for the Ridley - Oct. 22

#### **REPORTS:**

Tax Receiver	total tax collection dated June 20 - \$122,671,283.60
Town Clerk	monthly report for June, 2011 - \$11,815.15

Building Department monthly report for June, 2011 -  
\$56,497.50

Sewer Department discharge monitoring report for  
May, 2011

Police Department monthly report for May, 2011

**CORRESPONDENCE:**

Jim McQueen letter thanking water department for work on water meter cover

Mark Stasiukiewicz letter noticing the town of damaged sidewalk at 327 Hamilton Avenue, Riverhead

Diane Wilhelm: "And I think that's it."

Supervisor Walter: "All right. Any other committee reports?  
No?

Public hearings. We have three public hearings. The first one starts at 2:05 p.m."

Public hearing opened: 2:15 p.m.

Supervisor Walter: "And this is the consideration of a proposed local law to amend Chapter 108 of the Riverhead town code, entitled Zoning, Article XX, subdivision regulations; Article XXVI, site plan review.

I don't know, do you have that one in front of you?"

Robert Kozakiewicz: "I (inaudible). This is- what we're looking to do is reduce the amount of per lot fees on subdivision applications from \$5,000 to \$3,000. It would apply for minor subdivisions, major subdivisions and (inaudible) site plan under 108-30- 131 subsection D, where the park and rec fees are laid out.

Due to the further development, there's always a need for recreational facilities and in those instances where the planning



board deems it in the best interests of the residents of the town, they can require a (inaudible) to deposit a per lot fee instead of (inaudible).

Due to downward market values and cost for land and also I think to hopefully stimulate further development, the board is proposing to go across the board and reduce the amount of per lot fees to \$3,000 per lot.

And we had an earlier resolution this year where we did this for the major subdivisions applications only. That particular legislation was adopted on March 15<sup>th</sup> so the concept here is to make all per lot fees applicable as per that date which was March 15<sup>th</sup> of 2011, where either a final subdivision or major subdivision approval or minor subdivision approval receives its plat approval.

So if it had plat approval prior to March 15, 2011, the per lot fee would not be applicable. It would be a \$5,000 fee for those prior to that date."

Supervisor Walter: "Okay. Does anybody wish to be heard on this matter? Yes, Mr. Cuddy."

Charles Cuddy: "I just want to be of record to commend the board for doing this. I point out to you that every buyer of a subdivision lot pays approximately \$12,000 meaning that that's passed on to that buyer from the developer and those fees include the rec fee. They include the water tap fee. They include an engineering fee and filing fees.

So by breaking down or at least reducing \$2,000, you're helping those people who are buying. And those same people also pay \$4,000 to \$5,000 for the Peconic Bay tax.

So you're talking about a newcomer to town paying \$15,000 to \$17,000 that's passed on through the builder and it's really important that you do reduce it and I thank you for doing that."

Supervisor Walter: "Thank you, sir. Sal Mastropaolo. Sal, if you could- we have to swear you in."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. I'm a little confused, okay. Bob mentioned that this is to stimulate further development.

I was under the impression we don't want further development in the town of Riverhead."

Supervisor Walter: "Well, Sal. What we're trying to do is these subdivisions-- these regulations-- the per lot fee was \$2,000 and it went to \$5,000 and the rationale that was used, there has to be a nexus between what you're charging and what you're collecting in fees.

The rationale that was used was that with the escalating market rates of property, it costs us that much more to acquire the land to do-- to build these parks which we do, and we have pocket parks in different areas of the town.

Well, if you're using that rationale, you want to-- when you have a declining market and there's nobody out there that does (inaudible) real estate market decline, you want to have the commensurate decline in the fee.

And I'm not going to say it's to spur economic development. What I'm going to say is exactly Mr. Cuddy put it eloquently. People are hurting out there. People-- we want to stimulate home ownership in all levels. And if we're taxing somebody and apparently we are to the tune of \$12,000 in these subdivisions, that's not helping the economy.

So you know this is all part of stimulating the economy."

Sal Mastropaolo: "Two things. One is the price of homes in Riverhead is far less than any of the surrounding areas so we're still the cheapest as far as home purchases. Okay.

People are coming from the west to come out to Riverhead because of the prices. Okay. The other thing is-- "

Supervisor Walter: "Sal, not in the last couple years."

Sal Mastropaolo: "Well, I'll tell you what. Do a survey of the people that are buying in the town of Riverhead and find out where they came from. Okay. I'll bet you a lot of them are coming from Nassau County because the price is right out here."

Supervisor Walter: "Sal, what I'm saying is the demand in Riverhead has fallen off-- "

Sal Mastropaolo: "Well, demand is down all over. Okay. And the other thing is- "

Supervisor Walter: "We're trying to promote home ownership."

Sal Mastropaolo: "And the other thing is, supply and demand causes prices to go up, okay. A lack of supply causes prices to go up. And the amount of developable land in the town of Riverhead is going down, not up. Okay. So the price should stay the same. Okay. Because the price of an acre is going to hold steady."

Supervisor Walter: "I disagree with you but- "

Sal Mastropaolo: "We disagreed the last time we discussed it. Thank you."

Supervisor Walter: "Okay, thank you."

Councilman Gabrielsen: "I just also want to point out that this went before the recreation advisory committee who, you know, they're caretakers of this money and they spend it and they were fine with it.

I think the fees actually went from \$2,000 to three to five. Now they're back to three. It reflects, like you say, it reflects the land values."

Councilwoman Giglio: "We had a lot of approved site plans and approved applications that people were not submitting the fees and moving forward with the development because the fees were so great.

Shortly after we adopted this regulation, resolution, we started getting the checks and fees in from the developers that are now moving forward with their projects. So they're paying the fees."

Sal Mastropaolo: "Let me ask a question."

Councilwoman Giglio: "They never paid them before. They had approvals and they weren't paying."

Sal Mastropaolo: "Okay. If they weren't submitting the fees, then why were we giving them approval if one of the contingencies of getting approval is paying the fees. Whether the fees are \$3,000 or

\$5,000, those fees were due."

Councilwoman Giglio: "Because they're not due until they actually want to construct. They get their approvals ahead of time. They are given a list of fees that they have to pay. They have to pay those fees before they begin construction."

Sal Mastropaolo: "Okay. Do we allow construction to begin if we never receive the fees?"

Councilwoman Giglio: "No."

Sal Mastropaolo: "That was the implication that you just made."

Councilwoman Giglio: "No. We don't allow them to build unless the fees are paid. They have to pay the fees before they can get their building permit."

Sal Mastropaolo: "Okay."

Supervisor Walter: "Okay. Does anybody else wish to be heard on the matter?"

Councilman Wooten: "I still think most people come to Riverhead because it's a beautiful, beautiful town. It's not just because we have cheap homes."

Supervisor Walter: "I agree. If nobody else wishes to be heard, we're going to leave this open. We'll do it for nine days. Is the 16<sup>th</sup>— that's a Friday, right? Ten days. No, the 15<sup>th</sup>, July 15<sup>th</sup>, nine days, right. I'm thinking today is Tuesday and it's Wednesday. The 15<sup>th</sup>. So we'll leave this open 'til July 15<sup>th</sup> at 4:30 for written comment in the town clerk's office."

Public hearing closed 2:23 p.m.  
Left open for written comment for  
10 days to July 15, 2011 at 4:30 p.m.

---

Public hearing opened: 2:24 p.m.

Supervisor Walter: "Okay. We have another public hearing

that was scheduled for 2:05 and since 2:05 has come and gone, Bob, I don't have this again- "

Robert Kozakiewicz: "This one is real easy. This one is part of an outgrowth from code revision committee.

What we're doing is across the board, bump up- currently we allow one accessory structure not more than 100 square feet without requirement of a building permit.

We're going to change the 100 square feet to 144 square feet across the board in the residential zoning districts and the zoning districts that allow for an accessory structure, i.e., a shed, gazebo, one accessory structure so that you will not be required to submit or apply for a building permit if you have one structure that's now less than 144 square feet as opposed to previously 100 square feet.

This is also in conjunction with what I understand to be a state- New York State building code recommendation. So we're trying to be consistent with what the state code provides for.

Supervisor Walter: "Okay. Does anybody wish to be heard on this? Not seeing anybody, we'll close the public comment portion, leave it open for written comments until July 15<sup>th</sup> at 4:30 in the town clerk's office."

Public hearing closed: 2:25 p.m.  
Left open for written comment for  
10 days to July 15, 2011 at 4:30 p.m.

---

Public hearing opened: 2:25 p.m.

Supervisor Walter: "Okay, 2:10 having arrived, the third public hearing is the consideration of a special use permit application of Vertical Line Apparel to allow as a principal use an existing outdoor sports facility at EPCAL, Suffolk County Tax Map No. 0600-135.2-1-25.

Mr. Danowski."

Peter Danowski: "Good afternoon. I have handed up to the

town clerk the notice of posting and the notice of certified mailing.

I have also, rather than bore you at the microphone, handed up a copy of the town code provision regarding factors to be considered in a special permit and also factors to be listed in an approval and have addressed those in writing.

I would say this is a somewhat unusual application in the sense we're not seeking to build anything by this application.

As noted in my application which was filed several months ago, an athletic outdoor field exists at the site at the EPCAL location. My client owns several subdivision lots that have been actually created as subdivision lots in recent times and the athletic field is permitted by a town board resolution in the year 2006.

That application was limited as to use for the business owner and his employees. That was consistent with a view of the town code that said that this was an accessory use and so a site plan was approved, the field was built, and we're at a stage now where the sportsplex community, if I could call it that, which is located on another lot with an indoor facility, is doing very well in business and we'd like to use this same field and not limit the use to just the business owner or his employees.

Many of the kids in our local community come to play in the indoor games, both lacrosse and soccer, and they'd like the opportunity to use the outdoor field as well.

So the special permit application which had been reviewed in a different way for the site plan purpose several years ago, would need a special use to remove the restriction that limits the use of the ballfield to only employees or the owner.

So with that comment made, I would like to think that this board would consider an approval resolution before summer is over.

Thank you."

Supervisor Walter: "Okay. Thank you, Mr. Danowski. Does anybody else wish to be heard on this matter? Yes, sir. Now we swear them in, right?"

Robert Kozakiewicz: "Yes."

Supervisor Walter: "Sir, if you could- "

Steve Skopeltis: "I'm Steven Skopeltis from (inaudible) right across the street from Vertical Line."

Supervisor Walter: "We're going to swear you in if you don't mind."

Robert Kozakiewicz: "I'm going to ask you to raise your right hand, repeat after me. Do you solemnly swear to tell the whole truth, nothing but the truth, so help you God?"

Steven Skopeltis: "I do. Anyway, we're right across the street, and we have no problem with them having their lacrosse games or whatever they do there as long as they don't park on our side of the street because at one time when they had an affair, all the cars were parked on our side. There was garbage all over in our parking lots.

So they could do whatever they want as long as they know there's no parking on our side of the road."

Councilwoman Giglio: "Well, you know that's an interesting point because I believe that he would be subject to site plan review because he's changing the use and now it's not going to be for only the employees. It's going to be open to the public. So that opens up you know all new discussion and parking and things of that nature. So- "

Steven Skopeltis: "Okay."

Robert Kozakiewicz: "Was that- that was as a result of a special event that you had parking problems- "

Steven Skopeltis: "A couple weeks ago, they had a big lacrosse game I think that I don't know what they were doing, you know, whatever they were doing and they were parked on our side of the field and when they left it was all garbage and cans and bottles on our side of the road."

Supervisor Walter: "Well, we can condition any- Mr. Danowski, any approval, I guess, could be conditioned on the requirement

police yourselves- "

Peter Danowski: "I have no problem (inaudible).

Certainly we don't want to park on his property and won't do that. We certainly will police it. I don't understand position yet of the road systems. I think they're on the way to being dedicated as far as Burman Blvd. and whatever or maybe not."

Supervisor Walter: "We would hope."

Peter Danowski: "So I have no problems in, one, self-policing; and, two, certainly not parking on this gentleman's property. Absolutely not a problem. We're just looking to in tough economic times, this is a use that seems to have caught on amongst our youth and everyone seems to be loving playing indoors and likes to spread it out to the outdoor game. And I'm thinking it's a plus plus for everyone, but I'm mindful of the comments. I appreciate them and we don't have a problem with these comments."

Supervisor Walter: "Steven, I'm sorry. I didn't write down your last name."

Steven Skopelitis: "Skopelitis."

Supervisor Walter: "Can you spell that?"

Steven Skopleitis: "S-K-O-P-E-L-I-T-I-S."

Supervisor Walter: "Mr. Skopelitis, if we condition any approval on the requirement that they police, which they have to do anyway, the road ultimately will be a public road so they should be able to park on either side unless the town board makes a determination not to.

Is that- "

Councilwoman Giglio: "I- how many parking spaces exist on site, Peter?"

Peter Danowski: "There's 43 on this particular lot plus there's a number of parking places, totally I think 102. We haven't found a need for, you know, a large number of people during the week. During the week, I think, at tops during the outdoor part of



the use, I think they'll probably be 50 people because most of the people will be playing in the early evening hours. Weekends will be busier because they will be running in and out with various games; people coming then leaving and other parents coming in, dropping off kids and young folks coming around.

So I don't- parking has never been, doesn't appear to be a problem and we're willing to obviously say don't park on anyone else's property. We'll only park on our own.

But it really isn't- hasn't been an issue. We'd like it to be so successful that someone might say it is an issue. We're thinking we're succeeding at a business with our youth and we're hoping that will be more and more popular all the time.

So if you're a lacrosse fan or soccer fan, I think this is a great location."

Councilwoman Giglio: "And there's also ample room to the south of the field, the outdoor field, and if you need to create more parking- "

Peter Danowski: "Yeah, you know, we own several of the subdivision lots with the existing buildings on them. We're not looking to construct anything as far as the field is concerned, so, you know, I don't think it's an issue."

Councilwoman Giglio: "Very good. Yes. Because I don't know that parking on the streets would be a good idea in an industrial subdivision when you have tractor trailers going both ways down that road."

Steve Slopeltis: "Well, as long as you have us on record that we say what we stated (inaudible)."

Councilwoman Giglio: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard on the matter? Not seeing anybody, we'll close the public comment portion and leave it open for written comment until June 15<sup>th</sup> in the town clerk's office."

Thank you for everybody coming."

Public hearing closed: 2:32 p.m.  
Left open for written comment for  
10 days to July 15, 2011 at 4:30 p.m.

---

Supervisor Walter: "We're going to go to resolutions. Do we have anybody that wants to comment on individual resolutions?"

Sal Mastropaolo: "513."

Supervisor Walter: "Welcome back by the way."

Sal Mastropaolo: "Thank you. The fourth whereas. I think you have two typos. The second line, have submitted and indicating a total of 100 cubic yards."

And then the first resolve, the second line. It doesn't make any sense from the word permit fees concurrently the building permit when issued. I don't know what they were trying to say there."

Councilwoman Giglio: "Concurrently with (inaudible)."

Supervisor Walter: "Which resolve, the first?"

Councilwoman Giglio: "Concurrently with the building permit fees."

Supervisor Walter: "Okay."

Sal Mastropaolo: "Resolution 531. Can you tell me what the max fee was? You're changing it to \$100.00 whichever is greater or 25% of the original fee. What was the max fee before this change?"

Supervisor Walter: "Based on square footage, so it would be 100%-- I don't have the square footage, the number per square foot but it's based-- each building permit is based on the square footage that's being constructed. So some of them can be very, very steep."

Sal Mastropaolo: "Is there any work involved with a permit renewal other than administrative?"

Councilwoman Giglio: "Assigning it a new number and making sure the insurance is current."

Sal Mastropaolo: "That's it?"

Supervisor Walter: "Pretty much."

Sal Mastropaolo: "Thank you. 534. The first whereas, the second line. It should be to provide planning services for the purpose of assisting."

Supervisor Walter: "So for the we need."

Sal Mastropaolo: "Take out the before assisting. Should the resolution- "

(Some inaudible comment)

Sal Mastropaolo: "Should the resolution include the maximum cost of the contract. Just in case the contract gets separated from the resolution."

Supervisor Walter: "No. Because we're going to be governed by the agreement we sign."

Sal Mastropaolo: "Okay."

Supervisor Walter: "And it won't get separated because I know what the costs are. I won't sign it unless I- what happens, Sal, is I get a letter from the town attorney's office saying that this is in conformance with the resolution before I sign anything, so- "

Sal Mastropaolo: "Okay. On the professional services agreement, I just offer this up as a comment. Why not take the planning study to the intersection of Route 25 so you include the inn and spa, okay, in that study. If you stop at the intersection of Sound Avenue, you haven't included the inn and spa, okay, or the land that he's proposing to build on. Right?

Because it says here- to the westerly end to Sound Avenue at the easterly end. Well, if you stop at Sound Avenue, you haven't included the land behind the beverage place which is where he proposes to build the square. So you haven't taken it far enough. So why not just take it to 25 and include that whole section?"

Supervisor Walter: "I would rather take it to Hulse Landing, because Hulse Landing is the last really commercially viable- "

Sal Mastropaolo: "All right. Then take it to Hulse Landing but at least include the land that Kenny Barra wants to build on."

Supervisor Walter: "You know I agree."

Sal Mastropaolo: "On the very next page- "

Supervisor Walter: "So wait a minute. So- "

(Some inaudible discussion)

Sal Mastropaolo: "Yeah, scope of services."

Councilwoman Giglio: "Is he going to charge us additional money other than what we discussed in work session to send it all the way down to Hulse Landing Road?"

Supervisor Walter: "Not if he wants to do the job."

(Some inaudible discussion)

Supervisor Walter: "I don't think it's going to make a difference. We'll- you know what, Sal? We're going to have to- did you see it anyplace else? Because I want to have Ann Marie Prudenti- "

Robert Kozakiewicz: (Inaudible)

Supervisor Walter: "You're right. Okay."

Sal Mastropaolo: "On the very next page in the second paragraph where it starts BFJ Planning, fourth line down, I think generally probably should be the word completed. Work completed per invoice amounts shall be I guess maybe generally completed plus or minus 10 working days in accordance with said proposal dated April 14<sup>th</sup>. It doesn't make any sense the way it's written, at least it doesn't to me. Shall be generally plus or minus 10 working days in accordance? Something's missing there."

Supervisor Walter: "Generally completed in accordance- I agree with you. Generally completed in accordance with- so what I would put is work completed for invoice amount shall be generally completed in accordance with- "

Robert Kozakiewicz: (Inaudible comment)

Supervisor Walter: "I would just take generally out. Just take out generally and just put shall be completed. I would take-- so it would be work completed for the invoice shall be completed-- I hate to do that-- to complete is one sentence, in accordance with said proposal dated April 14<sup>th</sup>. Put it-- despite the fact I'm using the sentence-- the same word twice-- "

Councilman Wooten: (Inaudible comment)

Supervisor Walter: "Yeah, you're right. That's why you never put the same word in the same sentence twice. How's that? Work for invoice amount shall be completed plus or minus 10 working days in accordance with said proposal. That makes more sense."

Councilwoman Giglio: "This says now therefore be it resolve that the town board accepts and adopts the recommendation of the planning department and declares a study and plan of Route 25 corridor be deemed a type II action pursuant to New York code rules and regulations. Do we have a recommendation from the planning department saying that it's a type II?"

Robert Kozakiewicz: (Inaudible comment)

Supervisor Walter: "I'm sure we do but we can have-- can you get Rick?"

What else you've got, Sal?"

Sal Mastropaolo: "538. The now therefore be it resolved that the town board, there's a typo there. It says that own board of the town of Riverhead."

Councilman Wooten: "A t there, town board."

Supervisor Walter: "Okay."

Sal Mastropaolo: "539. There's no attached code of conduct. Should there be?"

Supervisor Walter: "I don't know where it is but we have one."

Sal Mastropaolo: "I don't even think there's a reference, you know, the word attached."

Councilwoman Giglio: "Get that from Ann Marie?"

Supervisor Walter: "We need the code of conduct for 539. Code of conduct from Ann Marie Prudenti for resolution 539."

Diane Wilhelm: "We have it, Tara. Somehow it just didn't get on. We have it."

Supervisor Walter: "And it really should say the attached- it should say the attached because who knows what code of conduct it is. It should be passed with the resolution."

Robert Kozakiewicz: "Well, the first one says adopts the annexed- the very first resolved. Now therefore be it resolved that the town board hereby adopts the annexed."

Supervisor Walter: "Okay, so that's fine. We just have to have it."

Robert Kozakiewicz: "We just need a copy of it."

Supervisor Walter: "All right. Can we have somebody from the clerk's office bring it over so we have it, Sal can see it."

What else have you got, Sal?"

Sal Mastropaolo: "540. Do we really collect cash in the tax receiver's office? I mean I would think that most people pay by check. I notice this is a small amount of money but- "

Supervisor Walter: "Yeah, no, we do."

Sal Mastropaolo: "We do take cash?"

Councilman Wooten: "Water bills sometimes are \$12.00, \$14.00, you know- "

Sal Mastropaolo: "And they use a cash counting machine?"

Supervisor Walter: "Well, some people probably come in with thousands of dollars to pay their tax bill, don't- I wouldn't doubt

that for a minute, Sal."

Sal Mastropaolo: "Okay."

Supervisor Walter: "What else have you got?"

Sal Mastropaolo: "543. The benefits package- I'm just going to comment. I consider this discriminatory, okay. I worked in private industry for 30 years, okay, and everybody starts with the same benefits package and the same vacation package. And I don't understand why the vacation schedule is different for legislative and secretarial from middle management."

Supervisor Walter: "That's why we're rescinding it."

Sal Mastropaolo: "Okay."

Supervisor Walter: "In my opinion, Sal, quite frankly, is this is merit based and if you're doing a great job, then- that- when we negotiate salaries, you may get something different, if you're not doing a great job. This indicates that you automatically get additional things for just being here a certain period of time and I don't mean that to be discriminatory. But this doesn't allow us to rank somebody on merit."

Sal Mastropaolo: "Let me ask you a question because you just- I mean your comment about merit begs- I'm specifically concerned with vacations, okay. And vacations shouldn't be merit based. Salary should be merit based. Vacation is a benefit that you offer everybody before they even get hired. You tell them what your vacation- what your benefits package is. That has nothing to do with merit."

Supervisor Walter: "I disagree with you. Because it's all money. Whether it's your health insurance; whether it's your vacation; whether it's your sick time. It's all money that the town spends and when you're negotiating with an employee giving him an extra week- and here's why it's money.

They can buy back their vacation time and turn it into salary."

Sal Mastropaolo: "Okay. Let me ask you a question then. I bring an employee in for an annual review, okay. Now, I don't know how you do it here, but I know how we did it in private business.

You reviewed a person's performance on an annual basis. Okay. You may take him down a step because he didn't perform that well the previous year and you tell him, you know, if you don't shape up, you're shipping out. Okay.

Now if he's a poor performer, do you take vacation away from him for the next year? No. You may not give him a salary increase but his vacation is his vacation."

Supervisor Walter: "That's not accurate because this resolution would allow a poor performer to get additional vacation time just because he was here, jumped from one year-- what's the break-- seven years. After seven years, he hits his seven years, all of a sudden he gets two weeks vacation and I can't do anything about it."

Sal Mastropaolo: "I miss your point."

Supervisor Walter: "This automatically bestows upon non-union employees additional vacation. So if you have a poor performer-- "

Sal Mastropaolo: "When he hits seven years."

Supervisor Walter: "Correct. When you get a-- have a poor-- suppose you have someone that's been performing poorly? Why would I give him additional vacation?

Because here's the thing, Sal. A lot of these people have civil service protection because they originally come from the union or they take-- the department heads have civil service protection because they take tests and so try to-- it's not like the public-private sector where you can actually dismiss somebody.

You have very few tools in your bag to, you know, offer."

Sal Mastropaolo: "Okay. I guess then we agree to disagree because I disagree with you. Okay?"

Supervisor Walter: "Okay, that's fine."

Sal Mastropaolo: "It's not consistent with private business and I just don't understand how vacation can be tied to performance."



Supervisor Walter: "Vacation- in private business, can you buy your vacation time back for cash?"

Sal Mastropaolo: "No. Most cases- it used to be when we first started that you can carry them over from year to year with the maximum over x number of years. And then once business- once the industry changed and the financial climate changed, then the company started saying you will take vacation every year or you'll lose it."

Supervisor Walter: "Right. Well, we are-- I don't want to say stuck, but most of the contracts that we have not only do they get to carry it over year to year, they get to cash it out. So if you give somebody an additional week vacation, that's the equivalent of giving them an additional week salary in a lot of cases."

Sal Mastropaolo: "Okay. Then you should- "

Supervisor Walter: "That's why I don't want to give it automatically. I want to have the opportunity to look at it. I agree. Everyone should be treated the same but you're not treating somebody that's performing really well the same as somebody that's performing poorly if you automatically just give it to them."

Sal Mastropaolo: "I hope an individual's performance plan clearly states that the amount of vacation he receives will be tied to his performance rating otherwise you're leaving yourself open to a lot of problems."

Supervisor Walter: "I agree with you."

Sal Mastropaolo: "Okay. 546. Where you started adding in the new stuff, so it's like the fourth page down, A is pre-submission conference. Okay. B is preliminary site plan application.

I think you have a contradiction between 1 and 2. Okay. It says, in number 1, it says subsequent to the pre-submission conference, an application for a preliminary site plan approval shall be made on the form for the same provided by the planning department.

Subsequent to me means before, right? Look at number 2. The preliminary site plan shall be submitted to the planning department

within six months of the pre-submission conference. Within six months can also mean after it."

Councilwoman Giglio: "You're right."

Sal Mastropaolo: "So you're contradicting yourself in 1 and 2."

Councilwoman Giglio: "We should just take out subsequent to the pre-submission conference and just leave it as an application for preliminary site plan approval shall be made on the form for the same provided by the planning department."

Supervisor Walter: "What I'm going to do because I don't want to do this-- is there more comments to this? Julie, are you here? Are there more comments to this?"

Sal Mastropaolo: "To this particular thing?"

Supervisor Walter: "Yes."

Sal Mastropaolo: "No. That was my only comment."

Supervisor Walter: "Before-- you know, we don't have a lot of time but-- "

Sal Mastropaolo: "Oh, no, I have a couple more on the very last page."

Councilwoman Giglio: "And also I-- because this is, I mean-- "

Supervisor Walter: "What's the other?"

Sal Mastropaolo: "On the very last page, okay, F-1-B, I don't know if you're using a term that I don't understand, but it says grading and site improvements prior to the first lift of paving. Is that a building term or is-- "

Robert Kozakiewicz: "I think what this is trying to accomplish is the time table for when inspections occur and what happens is before the actual pavement gets laid down, there's grading and the curbing and the other improvements that are put in before that lift is installed, the first lift of asphalt."

Sal Mastropaolo: "Okay. So that's a technical term, lift. Okay. That's what I said. I wasn't sure if it was a term that I was not familiar with."

Robert Kozakiewicz: "It probably should say-- "

Supervisor Walter: "Sal, we're going to table this."

Robert Kozakiewicz: "It should say instead of a lift, it should say asphalt (inaudible) or base-- or something like that. (Inaudible)."

Supervisor Walter: "We're going to make a motion to table this."

Councilwoman Giglio: "You must have been working on this until midnight last night."

Sal Mastropaolo: "One more comment on this. On G, under fees, item 2, it says in no instance shall a site plan review exceed \$30,000. Okay. I find it hard to believe that you're going to set a limit, okay, particularly when you get a project like the Home Depot project, okay, or the Lowes-- well, Lowes isn't as bad as the Home Depot. I was going to say Lowes, but Lowes is going to be a single building I'm assuming."

Supervisor Walter: "Is this in our existing code? It's in our existing code. This has to come back to the town board. We're going to table it. Come to the work session."

What else do you have?"

Sal Mastropaolo: "That's it. Thank you."

Supervisor Walter: "Does anybody else wish to be heard on the resolutions? Hey, Marty."

Martin Sendlewski: "Good afternoon. Martin Sendlewski, Calverton."

I have a couple of questions with regard to Resolution 534 which is the 25A corridor study.

From what I've read in the paper, I understand that that's the--

the intent of that is to re-look at the uses and the development of the corridor in Wading River.

I live in Calverton, in the hamlet of Calverton. If you are going to study Wading River, presumably that would push development further east so presumably pushing to Calverton, eventually Aquebogue or Jamesport."

Supervisor Walter: "Actually I would think that's the opposite because if you look at the zoning you have in Aquebogue and some of Jamesport, it's very, very- antique zoning. I mean you really have no uses."

Martin Sendlewski: "Yeah, but that's the point. You have to look at the zoning in those areas. If you're going to look at one hamlet, I think you have to look at the other hamlets and see what the effect is going to be if you change the uses in one hamlet, then should you look at the uses in the other hamlet, just exactly what you said.

You said it's very restrictive in Aquebogue and Jamesport, well, it's going to get more restrictive in Wading River, then maybe you should get less restrictive in those other areas.

My point is I would like to request that you study all four hamlets which would- instead of costing \$42,000 would probably cost a couple hundred thousand dollars, I understand that. But how would you not study those areas and only study one area.

All of that would determine the uses. The ultimate growth and build out of Riverhead was determined as part of the master plan. So how do you go back and look at just one piece and study that without studying the other areas? How is that justified?"

Supervisor Walter: "It's the way it's been done. Wading River had a hamlet study in 1979, 1980."

Councilwoman Giglio: "89."

Supervisor Walter: "'89 rather. You can look at a specific hamlet. There's nothing wrong with looking at a specific hamlet."

Martin Sendlewski: "Okay. I just then want to point to one other item and I highlighted some of the provisions of SEQRA. I

looked at the resolution. It says it's a Type II action. I think that's incorrect. I think it's actually a Type I action undertaking the study.

Under Section 617.1 under the intent and purpose, it says that the basic purpose of SEQRA is to incorporate consideration of environmental factors into the existing planning, review, decision-making process of state, regional and local government agencies at the earliest time possible.

To accomplish this goal, SEQRA requires that all agencies determine whether actions they undertake, fund or approve may have a significant impact on the environment. And it is determined that the action if it does have a significant impact, prepare an environmental impact study.

So what they're saying is that if you're going to undertake an action that may have environmental impact, you have to do an environmental study.

This is clearly an action-- when you look at the second page you are funding, you're undertaking a review of the uses in that area.

Under item 2, it says agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions.

So if you're going to study Wading River, and it's going to change the uses in Wading River, potentially it may affect your future decisions that affect the rest of the town in terms of tax base, uses, etc.

As you go on to the next section of SEQRA which is under definitions, and this is really important and there is case law that supports this, so that there have been determinations made by the DEC."

Supervisor Walter: "Where's Rick? Make sure he's back in here."

Martin Sendlewski: "One of the important issues and this has been found under some of the case law with the DEC, is that the definition of environment, this is right under the definition section of SEQRA. Environment means the physical conditions that

will be affected by a proposed action including existing patterns of population concentration, distribution or growth.

The growth pattern in the town of Riverhead for the future of Riverhead has been defined as part of the master plan, okay, which supersedes the previous hamlet study. So the master plan determined how Riverhead was going to ultimately build out. Okay.

So, therefore, that is an environmental concern. If you tinker with that, it's going to change environmental concerns in the rest of the town, including tax base and the pressures of growth elsewhere.

Under the- I'll skip the part about the general rules issues that I highlighted here but you may just want to touch base with them. I did note on the next page that it talks- that a Type II action doesn't require an environmental review. And you have this listed as a Type II in the information outside.

However, directly below that on item G, this is from SEQRA. It says, actions commonly consist of a set of activities or steps. The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or only a part of it. And sub-item 1, consisting only of part or a segment of an action.

Now, you're going back and looking at things that were determined as part of the master plan, is contrary to the intent of SEQRA. So I don't know how you're going to look to review one hamlet and look at the uses there that were determined as part of the master plan which was designed to direct the ultimate build-out of Riverhead, without looking at the other hamlets.

On 617.5, Type II actions, and this is where I think you're wrong that this is a Type II action. It says each of the actions on an agency's Type II list must, it doesn't say- it says they must do this, item 1, in no case have a significant adverse impact on the environment based on the criteria contained in sub-section 617.7C.

Now if you go to 617.7C, and you go to item 1, it says these criteria are considered indicators of significant adverse impacts on the environment.

The next page, sub-item- Roman Numeral IV, the creation of a

material conflict with a community's current plans or goals as officially approved or adopted. That's the master plan.

So if you're going to go and review this, right here it says if it's in conflict with existing adopted goals. That's the master plan. It's a Type I action.

So I think that this is not a Type II action and I think it could be subjected to a challenge and I think you should really not undertake this unless you were to undertake a review of all the hamlets and then go back and re-visit the master plan as a whole, you know, for the benefit of the entire town."

Supervisor Walter: "I think we've taken this into consideration. We've spoken to our attorneys, we have spoken to the planners and the people that do this exclusively for a living disagree with you. But we thank you."

Martin Sendlewski: "Okay."

Councilman Wooten: "I did look at this very hard, Marty, and actually what's not in your papers which are very well put together.

The Type II action under 617.5C18 which is what we're looking at. It says information collection including basic data collection and research, water quality, pollution studies, traffic counts, engineering study surveys, sub-surface investigations, soil studies that do not commit the agency to undertake, fund or approve any Type I or unlisted action.

And basically what this is, is just that. It's just a planning study."

(Inaudible comment from Martin Sendlewski)

Supervisor Walter: "You have to speak from the microphone, Marty."

Martin Sendlewski: "I will just highlight one thing one more time and then I'll sit down."

Councilwoman Giglio: "What is your experience with SEQRA, Marty?"

Martin Sendlewski: "Excuse me?"

Councilwoman Giglio: "What is your experience with SEQRA? Have you taken- "

Martin Sendlewski: "I deal with it all the time in my business in getting projects approved and I also maintain my continuing education by going to SEQRA conferences and, you know, seminars based on- it's a very good, you know, learning experience that applies to my business directly. So I typically go to a SEQRA conference once a year.

I would just, again, note that what it says, again, just going back to the Type II list. In no case- in no case, have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7C of this part.

And you go to 617.7C Roman Numeral IV, and it says the creation of a material conflict with a community's current plans or goals as officially approved or adopted. That's the master plan. So- "

Supervisor Walter: "Actually, Marty, there's a huge- when you read the master plan and you read the town's adopted zoning, there is a huge disconnect, huge. So that's not a place you want to be relying on. The zoning does not match the master plan."

Martin Sendlewski: "I was reading right out of SEQRA. According to what we're reading here, I would assume that this will be in conflict to the established master plan and, therefore, is going to create an (inaudible) conflict."

Robert Kozakiewicz: "I'm not so sure. The words are material conflict, not just conflict under that Roman Numeral IV. So it's not just a conflict with an adopted plan, it's a material conflict."

Martin Sendlewski: "Right, that's correct."

Robert Kozakiewicz: "And there's nothing that's indicated at this stage with respect to the study that leads one to conclude that."

Martin Sendlewski: "But if it were to change any of the uses in that area, then it would be a material conflict."



Supervisor Walter: "But, that's— you have to do SEQRA, again, on the change."

Robert Kozakiewicz: "The change in and of itself may not be a material conflict and of course we can agree to disagree."

Martin Sendlewski: "I think when you go to adopt something later on, it will— then the Type I action, it will create a conflict."

Supervisor Walter: "You have to look at it a second time. Rick, can you address— "

Rick Hanley: "Good day. The recommendation for Type II came out of the planning department by Mr. Hall and as (inaudible) correctly, we look at the Type II list in state law and it clearly says the collection— data collection studies and the like are Type II actions.

I think we have to make a distinction between the actual data collection and studying and eventual implementation but at this point we do not know whether this is a material conflict or not because we don't have any conclusions yet. So, we stand by the Type II decision on the collection— the data collection in the study that we're talking about this afternoon."

Supervisor Walter: "And from there you— SEQRA, and this is, Marty, where I think the difference is."

Rick Hanley: "If there were implementation issues at the end of the day, that's where we'd have to make another SEQRA decision."

Supervisor Walter: "Correct. This is not that stage."

Rick Hanley: "That's right. It's premature to talk about that."

Supervisor Walter: "(inaudible) come back with more uses. I mean you could come back with no changes. We don't know."

Rick Hanley: "That's correct. We don't know. So that's the opinion of the department."

Supervisor Walter: "Okay, thank you. Does anybody else wish

to be heard on resolutions? All right, not seeing anybody, let's take up the resolutions. Diane."

Resolution #511

Councilman Wooten: "511, 2011 Chips reconstruction road improvement project budget adoption. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #512

Councilman Gabrielsen: "2011 Iron Pier playground capital improvement project budget adoption. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #513

Councilwoman Giglio: "Grants excavation permit as provided by Chapter 62 to Matthiev Chatin, Chatin LLC. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded as amended before. Have you got those amendments, Diane?"

Diane Wilhelm: "I do."

Supervisor Walter: "Okay."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #514

Councilman Wooten: "Determines schedule - sewer charges Atlantis Holding Co. project. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #515

Councilman Gabrielsen: "Authorize settlement with certain defendants in MTBE litigation. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #516

Councilwoman Giglio: "Appoints a part time crossing guard. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #517

Councilman Wooten: "Appoints a call in detention attendant. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #518

Councilman Gabrielsen: "Appoints a call in detention attendant. So moved."

Councilwoman Giglio: "518. We did 517, right."

Councilman Gabrielsen: "I just did 518."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #519

Councilwoman Giglio: "Ratifies the appointment of a temporary student intern I. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #520

Councilman Wooten: "520 authorizes the town clerk to publish and post notice of public hearing for the special use permit petition of R&K Precision Autoworks, Inc. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #521

Councilman Gabrielsen: "Authorization to publish advertisement for janitorial supplies for the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #522

Councilwoman Giglio: "Authorization to publish advertisement for signage services. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #523

Councilman Wooten: "Appoints a call in recreation bus driver to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #524

Councilman Gabrielsen: "Appoints a call in assistant recreation leader to the recreation department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #525

Councilwoman Giglio: "Appoints a recreation specialist to the recreation department. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #526

Councilman Wooten: "This ratifies an appointment for a summer recreation aide I to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #527

Councilman Gabrielsen: "Ratifies an appointment for a summer recreation aide I to the recreation department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #528

Councilwoman Giglio: "Ratifies the appointment of a recreation leader to the Riverhead recreation department. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #529

Councilman Wooten: "Appoints a hearing officer. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #530

Councilman Gabrielsen: "Appoints a call in detention attendant. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #531

Councilwoman Giglio: "Adopts a local law amending Chapter 52 entitled building construction of the Riverhead town code, Section 52-10 building permit fees. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #532

Councilman Wooten: "532 authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code, downtown Center 5: residential DC-5 zoning use district. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #533

Councilman Gabrielsen: "Ratifies the acceptance of a 100% site plan security of 213 Court Street Realty. So moved."

Supervisor Walter: "And second- Jodi."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #534

Councilwoman Giglio: "Authorizes the supervisor to execute a professional services agreement for Route 25A corridor planning study. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Okay. I have reviewed the Wading River



hamlet study and the recommendations that are set forth therein. That was prepared by the same people and the same group that are studying it again.

They have studied the 11792 zip code already in the Brookhaven study that was done from Mt. Sinai to the Wading River line.

I have listened to a Wading River resident who is an architect and site designer who told me he volunteered 600 hours of his time along with many others who were dedicated to this study that took place in the late '80's.

The zoning was adopted based on this study yet the plan was never implemented. Fifteen years later the hamlet was studied again with tremendous community input and a plan was adopted in 2003.

The zoning was changed again based on that study.

We have ample information from the two previous studies that we should be looking at and should try and implement.

It is my opinion that we should be looking at these previous studies in house with community involvement and property owners and determine design standards and demanding responsible development of the hamlet as recommended to preserve the rural character of Wading River.

Spending another \$42,000 on a study at this time does not make sense to me.

So I will vote no."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten."

Councilman Wooten: "It's been more than 22 years since the town of Riverhead took a hard look at development and zoning and its effects on this area of our town.

This hamlet located within the town of Riverhead abuts Brookhaven and more importantly Brookhaven zoning and development.

The town of Brookhaven zoning not unlike Riverhead, has an adoption of a master plan in 2003, again, nearly 10 years ago, has undergone significant change in 22 years affecting planning and

development in the town of Riverhead.

It can hardly be contested when our neighboring town, the town of Brookhaven, saw it fit to conduct the study on the Route 25A corridor.

The past 10 years, residential and commercial development has changed the community. Some may say for the good, others may disagree. Neighborhoods, traffic and even physical boundaries of this area of our town has been changed.

The fact that this town board is willing to explore and study, educate ourselves on the effects of the existing development, current zoning and potential development is simply our responsibility to Wading River and to all of Riverhead.

And remember this is merely a study. So I vote yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "Jim, that was so eloquent and well said. I can't add anything. I agree with you wholeheartedly. And, yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #535

Councilman Wooten: "This is a resolution to provide nunc pro tunc authorization for the law firm of Middeltton & McCormick, LLP to defend, institute or appear in legal action in the matter of William Gary Robinson v. Peter Troyan (CV-07-4846). So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #536

Supervisor Walter: "We have the attachment. This is the non-union employee. Oh yea, I do have it. Oh, wait a minute-right, yup, yup."

(Some inaudible comments)

Councilman Gabrielsen: "536 adopts Town of Riverhead automation systems policy for non-union employees. So moved."

Councilwoman Giglio: "There's a type in the title. And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "You would think with all the computers that spell check, we wouldn't have anything. I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

#### Resolution #537

Councilwoman Giglio: "Awards bid for website re-design, commercial web hosting high capacity storage to Municipal CMS, LLC. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

#### Resolution #538

Councilman Wooten: "This ratifies and approves the chapter 90 application of Martha Clara Vineyards LLC, May 26, 2011 through July 21, 2011. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #539

Councilman Gabrielsen: "Adopts town of Riverhead employee code of conduct. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please. That's the resolution (inaudible)."

(Some inaudible discussion)

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #540

Councilwoman Giglio: "Authorizes the supervisor to execute an agreement with Cummins-Allison Corporation regarding maintenance and service for a cash counter machine utilized by the Riverhead town tax receiver. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #541

Councilman Wooten: "Approves Chapter 90 application of the Riverhead Fire Department to conduct its annual motorized drill. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter."

Supervisor Walter: "Yes. And that's going to be on Saturday, July 16<sup>th</sup> between the hours of 8:00 a.m. and 12:00 midnight. And

having a rain date of July 17<sup>th</sup>, 2011.

That's going to be at their fire training area-- their newly acquired fire training area of Route 58."

Diane Wilhelm: "The resolution is adopted."

Resolution #542

Councilman Gabrielsen: "Approves Chapter 90 application of Peconic Bay Medical Center for family festival, August 18, 19, 20, 21, 2011. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #543

Councilwoman Giglio: "Rescinds Resolution #1019 adopted on November 4, 2009 regarding standard benefit package for non-union personnel. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #544

Councilman Wooten: "This amends Resolution 356 of 2011 corrects expiration date for annual diesel/generator maintenance for the Riverhead water district. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter,

yes. The resolution is adopted."

Resolution #545

Councilman Gabrielsen: "Appoints member to the Riverhead open space/park preserve committee. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten."

Councilman Wooten: "Yes. We'd like to thank Marjorie Acevedo for stepping up. Yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #546

Councilwoman Giglio: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code, Article XXVI site plan review Section 108-131 application procedure, fees. So moved. Make a motion to table it."

Councilman Wooten: "I will second to table."

Supervisor Walter: "Moved and seconded as to table."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution has been tabled."

Resolution #547

Councilman Wooten: "This authorizes the supervisor to execute an agreement with National Fire & Safety Solutions, Inc. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter,

yes. The resolution is adopted."

Resolution #548

Councilman Gabrielsen: "Water district capital project budget adjustment. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #549

Councilwoman Giglio: "Awards bid for well and pump service for the Riverhead water district. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #550

Councilman Wooten: "Ratifies the approval of a Chapter 90 application of the Riverhead Business Improvement District Management Association, cardboard boat races that occurred on June 26, 2011. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, I guess, yes; Walter."

Supervisor Walter: "I won it. Yes."

Councilman Gabrielsen: "I just say congratulations, supervisor."

Diane Wilhelm: "Resolution is adopted."

Resolution #551

Councilman Gabrielsen: "Authorize the security of J. Petrocelli Contracting, Inc. Atlantis Marine World LLC - water key money. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #552

Councilwoman Giglio: "Authorizes the supervisor to execute contract amendment with the Deputy Water District Superintendent. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "I'm sorry. Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #553

Councilman Wooten: "Motion to pay bills. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Okay. Does anybody else wish to be heard on any other matter before the board or not before the board but you'd just like to talk to us. Does that mean you are getting up, Larry?"



How are you doing, Larry? Mr. Oxman, I'm sorry."

Larry Oxman: "That's all right. Larry Oxman, with offices at 1747 Old Country Road, Riverhead.

I'd just- before I get into the meat of it, we had two lovely events in the downtown this past couple of weekends. I was there for the fireworks sponsored by the BID."

Supervisor Walter: "And your sons and their friend won one of the heats of the cardboard boat race I might add."

Larry Oxman: "That was the other event also sponsored by the BID, the cardboard boat race. They were sponsored by the Long Island Science Center."

Supervisor Walter: "And that was some- I'm sorry, I know you have something you want to talk about but folks, you should have seen this design. And I was thinking when George built me the boat last year, how to turn it into a catamaran, but I could not figure out how to bring the arms out. You did it- you figured out running it through the cardboard to give it the strength, nice work, Mr. Oxman."

Councilman Gabrielsen: (Inaudible)

Larry Oxman: "And it was really my kids and research and we experimented with duck tape and it was a great learning experience for them. It was a fun event for everyone and we look forward to next year, bigger and better."

Supervisor Walter: "We do, too."

Larry Oxman: "On a different note, tomorrow I'm back in court in Southampton town regarding the violations- the alleged violations on my property- on my former property, on Route 58. I say former because basically in May as a result of a foreclosure action, I lost the property. The litigation basically made me unable to refinance it and to sell it. So we're back in court.

As you know, it's in Southampton Justice Court because the judges in Riverhead had recused themselves sometime ago. The original action was based on 50 or so alleged violations that the town issued back in 2004, October, almost seven years ago.

All those charges were dismissed by the judge, however, at the last moment, the town basically asked to withdraw those charges and issue 11 new charges. The judge didn't agree. The judge ruled and dismissed all of those charges.

The town appealed that decision and the appellate court felt that they were-- that the town was correct and even at the last moment, the day that the judge was making her ruling, after everyone had submitted their papers the town still had the right to withdraw all 50 charges and start over with 11 new ones.

That's back before the same judge that dismissed the 50 violations.

We started going to trial on one charge, that was nine months ago. Just one of the 11 new violations. Two of the 11 violations were withdrawn by the town. Those charges were based on stop work orders that were issued by town attorney Dawn Thomas. Our attorney started to argue that she didn't have the authority to issue the stop work order. The town ended up withdrawing the violations, I assume because they felt that they couldn't win it. No one's been a nice guy here.

Again, just one charge. We haven't begun the eight-- the trial for the eight additional charges that still are pending.

Tomorrow in court I'll face town attorney, Bob Kozakiewicz. My legal firm will face Bob Kozakiewicz, and also-- "

Supervisor Walter: "I just have a question. It's-- you're not really-- it's the trustee, is it not that you're battling--that we're battling now?"

Larry Oxman: "No, no. This is me personally."

(Inaudible comment by Robert Kozakiewicz)

Larry Oxman: "That's right. The town at the time-- the previous town board, not you guys, the previous town board went after me personally and after the corporation that was the owner of the property."

Supervisor Walter: "Larry, it's just not appropriate. Do you want to enter into settlement negotiations with the town?"

Larry Oxman: "No, no, no."

Supervisor Walter: "Okay. Because I mean this is not the right location to do that."

Larry Oxman: "And I don't expect you to answer because previously you were advised by counsel not to engage in conversations about the specifics of the lawsuit."

Supervisor Walter: "I'm just wondering what the purpose-settlement is."

Larry Oxman: "Okay, I'll be there. So again tomorrow I'm going to- the town is going to be represented by town attorney Bob Kozakiewicz and also Phil Siegal (phonetic) of Smith, Finkelstein and several other names. So basically the town has two different- well, the town and the separate outside firm.

That really basically got me to wondering just how much money and time the town has spent in the last six plus years, since October, 2004 pursuing all of the charges.

I know how much I've spent. I know how many hours my attorneys have billed me. So on April 8, 2011 I filed a simple FOIL request asking for an accounting of all the expenses and fees that the town has occurred pursuing the 50 violations, they dropped the violations, the 11 new violations, the supreme court action against me, and to defend my lawsuit against the town for ten million dollars in damages.

So let me give you copies of the FOIL request that was logged in on April 8<sup>th</sup> of this year.

To the benefit of the public, it says I'm making a request: an itemized list of all expenses incurred by the town of Riverhead including legal fees, printing, consultants, professional fees, and any other costs associated with all litigation, violations, depositions and other actions between the town of Riverhead and Riverhead Park Corp. and/or Lawrence Oxman between October 2, 2004 and the current date. Again, this being dated 4/8/11.

This includes both in house counsel and outside counsel. If in house counsel does not itemize expenses, then an accounting of the number of hours spent on the same.

It's pretty clear. I've gotten no response from the town."

Supervisor Walter: "We'll get you a response."

Larry Oxman: "No. You're supposed to get me a response within five days. That didn't happen. At court our attorney spoke to your attorney. He assured us that it would happen.

I've spoken to the town-- who's the FOIL officer? Sorry."

Supervisor Walter: "Bill Duffy."

Larry Oxman: "Bill Duffy. I met with Bill Duffy. A very nice guy. We had a nice talk. Nothing personal. He assured me that this was being taken care of. That was probably close to a month ago."

Supervisor Walter: "Do you know how much-- do you know-- aside from the issues, the underlying issues, do you know how much work this is to accomplish? And if he's working on it, this is a lot, Larry. This is not something that's going to happen in 30 days. This is-- "

Larry Oxman: "I haven't received a response. By default, you've actually said that you're not doing it. It's-- "

Supervisor Walter: "Larry, I will get you a response. I'm not personally even sure it's FOIL-able. It may be, it may not be FOIL-able. I don't know. We'll get you a response. But if we are working on this, this is volume-- this potentially could be volumes. It's not volumes. We do a lot of work to get this material. I'll get you a response. That's a simple answer.

Bob, have-- make sure that somebody by the end of the week gives him a response as to whether we're responding to it or not responding to it. There may be a simple answer for this. I don't know. We'll take care of it.

I don't think it should take-- you may have all the data by the end of the week, but you'll have a response by the end of the week.

You should have just picked up the phone. I would have done the same thing."

Larry Oxman: "Well, when I met with Mr. Duffy and I guess in May when our attorney spoke to your attorney, it seemed that everything was just on track but nothing has come. I checked the mail today, I checked the answering machine, still not a response."

Supervisor Walter: "Larry, because this is in litigation, I'm not sure and, again, I'm not playing lawyer here. I'm not sure whether this is FOIL-able or discoverable. I'm not sure. So we will get you- if it's FOIL-able, we'll get you that response. If it's discoverable, we'll get you that response. I don't know. We can- that's a- and if we're working on it, we'll get you that response. It's a lot- '04, you're talking about seven years worth of materials here."

Larry Oxman: "I know. I have a huge folder of all my bills. I can tell you exactly how much money I've spent. I know how I keep my house. So, maybe you did. I mean, you know, it's a tremendous amount of time that's gone in in hours and expense."

I appreciate that Sean, Supervisor Walter. I know that you were challenged in the newspaper by the former supervisor about being open and I hope that you can prove that person wrong."

Supervisor Walter: "I have no problem. Bob, just make sure somebody gives him, you know, FOIL-able, not FOIL-able, discoverable and/or we're working on it. It's not a difficult thing to do and then if we're working on it, we're obviously going to need some time to put it together."

Larry Oxman: "You had- you are on your second outside counsel. You should know how much money you've spent."

Supervisor Walter: "One would think."

Larry Oxman: "Thank you, thank you very much."

Supervisor Walter: "Thanks, Larry. Mr. Bail."

Sid Bail: "Good afternoon. Sid Bail, President of the Wading River Civic Association. I'd like to- on behalf of the Civic Association thank the board for moving forward with the study."

I know there's been quite a bit of discussion and obviously, you know, for the last seven or eight months. Personally the firm

that you've hired, BFJ, I think is a very good firm. Working with them on the Brookhaven side and with many different communities and I think they bring a lot to the table. And I know this is a big thing.

And if I believe that it could have been done in house and everything was already done, I would have kept my mouth shut for the last, you know, eight months. But I think something good and positive can come out of this not only for, you know, the groups who have been advocating this but, you know, also for the community and for the property owners.

And I realize they have rights, as important stake in this, there are many stakeholders.

So I thank you very much."

Supervisor Walter: "Thank you."

Councilwoman Giglio: "Let me— can I ask you a question? Were you involved in the 1989 study that was done by the same person that's doing it— "

Sid Bail: "I was president. I believe I was president when Lincoln was, you know, in there."

Supervisor Walter: "I think you're right."

Sid Bail: "I was president, but actually Joe Lynch was the president of the Civil Association at that time. John Heilbruin (phonetic) was a part of it; Joe Behr (phonetic) who's on the planning board right now. The architect that you speak of, that's probably Rick Searles, he was a part of it.

And but, you know, it's like, there were problems even way back then and one of the things was the amount of commercially zoned land along Route 25A. Even back then, it was sort of like the issue that they never could wrap their arms around completely. They tried to do it in 2003 but, you know, that's why we're here."

Councilwoman Giglio: "Because I found it very interesting in the plan and I really liked the plan that was done in 1989 and I know that there was a lot of effort that went into it. And it appears that when the commercial zoning was adopted for the Wading

River area, there was supposed to be a Main Street in Wading River that would be one block or the parcels that were the commercially zoned properties that were subdivided in 1983, which the '89 study was a result of the '83 subdivision that took place.

And, you know, there was a road, a Main Street, that was coming off of Route 25A to the south. That would have been beautiful. A roadway with benches, with brick sidewalks, with all the stores, the commercial zoning that was adopted after that plan was adopted, those stores were supposed to be looking in on Main Street, Wading River which was off of Route 25A, and which would have had a direct path from all north Wading River, right into this shopping center that was designed for the residents.

And the fact that the town over the years didn't implement that plan and money was spent, community involvement took place, hours and hours and hours, 600 hours Rick Searles tells me, and that it was not implemented is very troubling to me."

Sid Bail: "Well, you know, I don't want to cast blame- "

Councilman Wooten: "(inaudible) only one parcel actually dedicated land to Riverhead."

Sid Bail: "I don't want to cast- "

Councilwoman Giglio: "Yeah. And t hat the town actually even took property which would have been part of this road, which after all the development, if we don't implement that plan, then we've land-locked ourselves in the town of Riverhead to the little strip of land (inaudible)."

Sid Bail: "Well, that, obviously, would be one of the things that BFJ would be looking at."

Councilwoman Giglio: "Yes. So anyway I liked the plan in 1989 and I think that 2003 when that came about, they took all the considerations of the 1989 plan and then they tweaked the zoning a little bit more to make it a little bit more restrictive and, you know, here we are again in 2011 revisiting the zoning once again. So- "

Sid Bail: "The original concept that you're talking about, we're talking about people that played a part, the late Rob Pike,

that was one of the things that the like pushed that particular idea, Councilman Pike."

Councilwoman Giglio: "But I think the design standards and the appeal and the aesthetics, I think that the traffic is the main concern. And you know what? I think it would be great to get the traffic off of 25A."

Sid Bail: "Well, I, you know, the focus, you know, I think like BFJ, the impact upon the community, upon existing businesses, you know, I think is part of it as well. It's, you know, cumulative impact is broader than just traffic. I think that's one thing that we might disagree on."

I respect your- "

Councilwoman Giglio: "Thank you. Likewise."

Supervisor Walter: "Thank you, Sid. Mr. Mastropaolo."

Sal Mastropaolo: "The fireworks were great. The boardwalk is beautiful. Unfortunately, nobody went out there before the fireworks started and hosed off the boardwalk so you had to tiptoe through the bird droppings and if you walked on the grass, you had to tiptoe through the dog droppings."

I think we need to put up some signs that you must curb your dog and if there's fine associated with it, we should police it and issue fines. Either that or prohibit dogs from that park area."

Supervisor Walter: "Well, they are prohibited from every park."

Councilman Wooten: "Are you sure they were dog droppings?"

Sal Mastropaolo: "Yes, definitely. In the grass."

Councilman Wooten: "I was there the day- I know there's some pretty big geese out there."

Supervisor Walter: "I have a feeling, Sal, we're not allowed to hose it off, not into the river anyway."

Sal Mastropaolo: "Well, something's got to be done."



Supervisor Walter: "I don't disagree with you but- "

Sal Mastropaolo: "Everything was great with the exception of that."

Supervisor Walter: "-- we're trying to give you that- everybody that rural home town farming feel."

Sal Mastropaolo: "You know what we joked? We joked that if Monk was there, he'd never get any place."

Supervisor Walter: "Well, we're glad you had a good time. Did you bring your wife out?"

Sal Mastropaolo: "Yeah. We brought friends, too, and they enjoyed it."

Supervisor Walter: "Did you see the brand new (inaudible) part of the concert?"

Sal Mastropaolo: "No. We just sat and listened to the music and watched the fireworks."

Councilman Wooten: "Did you stay for the rock n roll review afterwards?"

Sal Mastropaolo: "No."

Councilman Wooten: "Oh, man, that was good."

Supervisor Walter: "They sounded just like Neil Diamond."

Sal Mastropaolo: "Can you give the town an update on the quote EPCAL ballfields? I notice we're still not using them. It's got to be what, three or four years now?"

Supervisor Walter: "The contract- the contract was let for the town- I think it's Corazzini, the one that's getting it. And I'm going to say that we were stifled- stymied a little bit because our deputy town engineer left so we- a large portion of what she did actually that job was 100% hers. We've had to put in other people because we have not been able to find a replacement.

We put in other people including Raynor Associates to continue

moving that project forward. I believe we're on track to start the line striping, Sal, we're moving it. Our goal is to at least try to get it open for the fall baseball, soccer."

Councilman Gabrielsen: "We were told within two weeks, they'd start the striping."

Supervisor Walter: "But it is a personnel issue within the town that, you know, we lost a key staff member."

Sal Mastropaolo: "Okay. Where do we stand relative to a movie theater coming to Riverhead? Is that plan still for Railroad Avenue?"

Supervisor Walter: "No."

Sal Mastropaolo: "Is that still an opportunity or is that dead?"

Supervisor Walter: "The movie theater, I've received, you know, I'm receiving encouraging news. I'm dealing with- there was two movie companies, there's now one movie company. It's not a secret. It's Regal Cinemas.

They've asked us to do certain things. We've met all of their price points, different sizes, number of seating, parking. Everything they've asked us to do, we've been able to meet. It's now a question of coordinating a meeting with them because the gentleman who sites the theaters is in Denver and if, from what I understand, if you don't deal with this gentleman, you don't get a Regal Cinema and we're trying to coordinate him coming to the town of Riverhead.

I'm cautiously optimistic. As with everybody, they way they want to be on Route 58 but movies are not allowed on Route 58.

Sal, I've done everything that I possibly can to bring them here and I'm going to continue to do so. I have received in the not too recently, very positive news and I've enlisted the help of several high power influential, very well to do business owners to help us with our quest to get Regal here and, you know what, Sal? Keep your fingers crossed, pray, whatever it takes, I think it's going to happen.

But you know there's no guarantees."

Sal Mastropaolo: "Okay. I have a question. Now that you rescinded the standard benefits package, what are you going to use in the interim to manage the business if you don't have that resolution? Do you need to write a new resolution or, you know, what's the plan of the board to manage personnel without the benefits package?"

Supervisor Walter: "It's not a great plan but because we have no money and we are trying to wean our way off our reserve fund expenditures, nobody got a raise this year and you know we haven't really gotten to the point where we start discussing any additional raises for next year so it is going to be a review.

My office is going to have to start reviewing the department heads and the department heads are going to have to review their staff and it is something we will start- "

Councilwoman Giglio: "I have- I had the same question before the town board meeting today. What benefits package are we adopting and you know it was- it made more sense to me to say, okay, you know what? We're cutting back. We're not going to give certain employees 100% benefits. We're not going to start you out at three weeks; we're going to start you out at two weeks, which we've done by resolution in hiring middle management.

So, you know, we've actually cut back on the vacation time. Where it says you start out at three weeks, we're saying you start at two weeks. So we were in conflict with that resolution that was adopted before we got here, a lot of us anyway."

Sal Mastropaolo: "Well, I thought the standard package that you just rescinded was very, very generous."

Councilwoman Giglio: "Very."

Supervisor Walter: "I agree."

Sal Mastropaolo: "Particularly compared to private industry. I mean it was overly generous. Okay."

Councilwoman Giglio: "Yes."

Supervisor Walter: "I don't disagree, Sal."

Councilwoman Giglio: "We're moving in a different direction."

Supervisor Walter: "That's why it was rescinded."

Sal Mastropaolo: "Okay. Question. What is town code relative to the use of tents? I mean is there a limit to the amount of time that you can have a tent up?"

Councilwoman Giglio: "Chapter 90. By Chapter 90 application."

Sal Mastropaolo: "What about back to back Chapter 90's?"

Councilman Wooten: "That's the loophole."

Sal Mastropaolo: "Okay. Because I noticed that you had a resolution in here for Martha Clara Chapter 90 from May 26 to July 21."

Councilman Wooten: "That was another one. Six weeks at a time."

Sal Mastropaolo: "And, oh by the way, you have a special events, Martha Clara Vineyards tent, July 22, which happens to be the day after the first one, to September 23."

Councilman Wooten: "This is the second year they did that. Actually I know there's some law that— Dawn was working on or probably Bob has it now, we're looking at annual tent permits and stuff like that. I know there's some legislation being drafted how to try to address that issue, but right now there is a loophole in that chapter. (Inaudible).

So that's being inspected and it has to be up to fire code."

Sal Mastropaolo: "What's interesting is at Indian Island, okay, when prior to the current restaurant owner, okay, he used to put up tents every so often but he used to take them down. And then he may have them down for a week or two, put it up again.

I'm just wondering, is Martha Clara taking it down?"

Councilman Wooten: "No."

Sal Mastropaolo: "So they're carrying it over."

Councilwoman Giglio: "It's very costly. I mean if you don't own a tent and you want to put one up, it takes \$1,500 a pop. So if you own it, you want to keep it up as long as you can. Obviously they have the fire marshal that goes out and inspects and makes sure that they have the exit lights and that they don't have extension cords going to the exit lights and that they have fire sprinklers in some of them, depending on how large they are."

Councilman Wooten: "This is an open tent, mind you. You need exit lights."

Sal Mastropaolo: "I think that's one area that you really need to look at because I mean there are some businesses in town that have quote tents up 12 months a year, okay. And when you're inside, it almost looks like it's a finished dining room, when it's not."

Supervisor Walter: "Thank you, Sal. Does anybody else wish to be heard? No? Can I get a motion to adjourn?"

Councilman Wooten: "So moved, seconded."

Supervisor Walter: "All in favor? Aye."

Collective response: "Aye."

Supervisor Walter: "Thank you for coming everyone. Safe home."

Meeting adjourned: 3:47 p.m.

*Chloe M. Wilhelm*  
Town Clerk